



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. Shan Lewis
President, Inter Tribal Association of Arizona
Vice-Chairman, Fort Mojave Indian Tribe
2214 North Central Avenue
Phoenix, Arizona 85003

RE: State of Arizona: Clean Water Act Section 404 Assumption

Dear Mr. Lewis:

Thank you for your letter dated May 21, 2019 regarding observations and concerns that members of the Inter Tribal Association of Arizona (ITAA) have with respect to the State of Arizona's potential assumption of the dredge and fill program under section 404(g) of the Clean Water Act (CWA).

The EPA has not yet received a request from the State of Arizona seeking to assume the dredge and fill program. As discussed during ITAA's April 25, 2019 meeting, the EPA is committed to consulting with the tribes after EPA receives a complete application from the State of Arizona, consistent with EPA's 2011 Policy on Consultation and Coordination with Indian Tribes.

We understand that the State of Arizona may submit an assumption package to EPA in 2020. Once the application package is complete, EPA will begin a 120-day review period which will include a minimum 45-day comment period and a public hearing. The CWA sets out requirements concerning EPA's authority to review a state's or tribe's request to assume the section 404 program. Under section 404(h) of the CWA, EPA is required to act on a state or tribal package requesting authority to administer the dredged and fill permitting program into waters within the state's or tribe's jurisdiction (with certain specified exceptions) so long as the state or tribe demonstrates that it has the authority to administer its own permitting program that satisfies certain enumerated criteria.

As a general matter, we continue to engage early with tribes through Regional Tribal Operations Counsel sessions, information sharing and our participation at tribal workgroup meetings. We look forward to continuing these engagements and seeing you at the Region 9/Tribal Conference in October in Arizona.

Should you have any questions, please contact me at (415) 972- 3337 or Sam Ziegler, Manager, Wetlands Section at (415) 972- 3399.

Sincerely,

A handwritten signature in black ink, appearing to read "Tomás Torres", written over a horizontal line.

Tomás Torres
Director, Water Division

July 11, 2019